

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA  
(Rural Development)  
Plaintiff

Civil No. 97-1933 (HL)

FORECLOSURE OF MORTGAGE

v.

JOSE A. MARTINEZ-MOJICA aka  
JOSE MARTINEZ-MOJICA,  
CANDIDA RODRIGUEZ MELENDEZ and  
the conjugal partnership  
constituted by both  
Defendants

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U.S. DISTRICT COURT  
DISTRICT P.R.  
SAN JUAN, P.R.

ORDER FOR EXECUTION OF JUDGMENT

Upon motion filed by plaintiff herein, and it appearing from the records of this Court in the above mentioned case that the defendants referred to in the judgment entered by this Court were duly summoned and said defendants have failed to pay to the plaintiff the sums of money adjudged to be paid under said judgment:

And it appearing further that more than ten (10) days have elapsed from the entry of Judgment:

NOW, THEREFORE, the Court hereby orders the United States Marshal for this District to proceed forthwith and to sell at public auction to the highest bidder, the property referred to in said judgment and described herein below in the manner and form provided in said judgment and as herein further provided:

RUSTICA: Predio de terreno radicado en el  
Barrio Santa Olaya del término municipal de  
Bayamón, con una cabida superficial de

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OCHOCIENTOS PUNTO CUATRO MIL QUATROCIENTOS  
CUARENTINUEVE (800.4449) METROS CUADRADOS y  
en lindes: por el NORTE en tres (3)  
alineaciones que suman Cuarentiseis punto  
Seiscientos cincuentidos (46,652) metros con  
un camino municipal por el SUR, en tres  
alineaciones que suman Cincuentiún punto  
Quinientos ochentidós (51.582) metros con  
terrenos del señor Graciano Correa, por el  
ESTE, en Catorce punto treinticuatro (14.34)  
metros con una quebrada y por el OESTE, en  
veinte punto setecientos ochenticinco  
(20.785) metros con el remanente de la finca  
principal."

Plaintiff's mortgage is recorded at page 161, volume 1288 of  
Rio Grande, Property NO. 18545, 1<sup>ra</sup> Inscription, at the Registry  
of Property of Bayamón, Section I, Puerto Rico.

a) Said public sale shall be held at the office of the  
Marshal for Superior Court of Puerto Rico, Bayamon Part, in  
accordance with 28 U.S.C. 2001.

b) Notice of Sale shall be published once a week for at  
least four (4) weeks prior to the sale in at least one newspaper  
of general circulation in accordance with 28 U.S.C. 2002.

c) The amount of \$33,000.00 shall serve as the minimum  
bid for the first public sale. Should the first public sale fail  
to procure an award or adjudication, two-thirds of the  
aforementioned amount shall serve as the minimum bid for the  
second sale. Should there be no award or adjudication at the  
second public sale, the basis for the third sale shall be  
one-half of the amount specified as the minimum bid for the first

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public sale. Should there be no award or adjudication in this public sale the same may be awarded to the creditor for the amount of the debt if this is equal to or less than the amount of the minimum bid of the third auction, and crediting this amount to the amount owed if it is more.

d) The United States Marshal shall not accept in payment of the property to be sold anything but United States currency or certified checks in his name, except in case the property is sold and adjudicated to the plaintiff, in which case the amount of the bid made by said plaintiff shall be credited and deducted from its credit; said plaintiff being bound to pay in cash or certified check only any excess of its bid over the secured indebtedness when remaining unsatisfied.

e) All junior lienholders shall pay in cash or in certified check the total amount of previous liens, and any sum in excess of said previous liens shall be credited to their respective liens.

f) The United States Marshal may, either personally or by some person designated by him to act in his name and his authority, adjourn the sale from time to time, without further publication, but only by order of this Court.

g) Upon the confirmation of said sale by this Court the United States Marshal shall execute and deliver a deed of conveyance of the property sold to the purchaser thereof.

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h) The purchaser shall be entitled to the delivery of the property sold and its physical possession and the United States Marshal may deliver said possession through the eviction of the occupant of the property without the need of any further order, in accordance with law.

i) The Property Registrar of the corresponding Property Registry of Puerto Rico shall proceed to the recording of the judicial sale deed in favor of the purchaser, free of any liens subsequent to the date of the execution of the foreclosed mortgage.

SO ORDERED at San Juan, this 31<sup>st</sup> day of March, 2000.

  
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United States District Judge